

Rhonda

UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES)
MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)
ANNUAL REPORT FORM

RECEIVED

NOV 12 2008

DIVISION OF
WATER QUALITY

Reports are to be sent to:

Utah Division of Water Quality
Attn: UPDES Municipal Storm Water Program
288 North 1460 West
P.O. Box 144870
Salt Lake City, UT 84114-4870

Annual reports are due no later than three months from the end of the fiscal year for the reporting MS4. The following form is required and must be signed and certified in accordance with requirements in the MS4's permit under Part 1. of this form.

1. MS4 Information

Providence City

Name of MS4

Randy L. Eck

Name of Contact Person

reck@providence.utah.gov

Email Address

435-753-0313 ext. 11

Telephone (including area code)

15 South Main

Mailing Address

Providence

UT

84332

City

State

ZIP code

What is the current population of your MS4? 6210

What is the reporting period for this annual report? From 07/07 to 06/08

Certification Statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

[Handwritten Signature]

Signature

11.06.08

Date

Randy L. Eck

Name (printed)

Public Works Director

Title



DWQ-2008-002628
Document Date: 11/06/2008

2. Water Quality Priorities

A. Does your MS4 discharge to waters listed as impaired on your state 303(d) list? Yes No

A list of draft, approved and pending (Total Maximum Daily Load) TMDLs as well as in-progress TMDL water quality studies can be found at <http://www.waterquality.utah.gov/TMDL/index.htm>.

B. If yes, identify each impaired water, the impairment(s), whether a TMDL has been approved by EPA for each, and whether the TMDL identifies your MS4 as a source of the impairment.

Impaired Water	Impairment	Approved TMDL		MS4 Identified as source of impairment	
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

C. What specific sources of these pollutants of concern are targeted?

D. Do you have discharges to any high-quality waters (e.g., Category 1 or Category 2 as defined in Utah Administrative Code R317-2-3)? Yes No

E. Are you implementing additional specific provisions to ensure their continued integrity? Yes No

3. Public Education and Public Participation

A. Is your public education program targeting specific pollutants and sources of those pollutants? Yes No

B. If yes, what are the specific causes, sources and/or pollutants addressed by your public education program?

NA

C. Note specific successful outcome(s) (NOT tasks, events, publications) fully or partially attributable to your public education program during this reporting period.

NA

D. Do you have an advisory committee or other body comprised of the public and other stakeholders that provides regular input on your stormwater program? Yes No

4. Construction

A. Do you have an ordinance or adopted policies (If the ordinance was adopted or updated during this reporting period, then a copy of the ordinance should be attached to this report) stipulating:

- Erosion and sediment control requirements? Yes No
- Other construction waste control requirements? Yes No
- Requirement to submit construction plans for review? Yes No
- MS4 enforcement authority? Yes No

B. What is the threshold for construction storm water plan review? (e.g., all projects, projects disturbing greater than one acre, etc. Projects disturbing greater than 1 acre.

C. How many active construction sites disturbing at least one acre were there in your jurisdiction this reporting period?
2 How many of these sites did you inspect this reporting period? 2

- D. How many active construction sites disturbing less than one acre were there in your jurisdiction this reporting period?
35 How many of these sites did you inspect this reporting period? 35
- E. How many of these active sites did you inspect this reporting period? _____
- F. On average, how many times each, or with what frequency, were these sites inspected (e.g., weekly, monthly, etc.)? twice a month.
- G. Do you prioritize certain construction sites for more frequent inspections? Yes No
 If Yes, based on what criteria? contamination potential.
- H. Identify which of the following types of enforcement actions you used during the reporting period for construction activities, indicate the number of actions, or note those for which you do not have authority:
- | | | | |
|---|-----------------------|------------|---------------------------------------|
| <input type="checkbox"/> Yes | Notice of violation | # _____ | No Authority <input type="checkbox"/> |
| <input type="checkbox"/> Yes | Administrative fines | # _____ | No Authority <input type="checkbox"/> |
| <input type="checkbox"/> Yes | Stop Work Orders | # _____ | No Authority <input type="checkbox"/> |
| <input type="checkbox"/> Yes | Civil penalties | # _____ | No Authority <input type="checkbox"/> |
| <input type="checkbox"/> Yes | Criminal actions | # _____ | No Authority <input type="checkbox"/> |
| <input type="checkbox"/> Yes | Administrative orders | # _____ | No Authority <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Yes | Other <u>Verbal</u> | # <u>3</u> | |
- I. Do you use an electronic tool (e.g., GIS, data base, spreadsheet) to track the locations, inspection results, and enforcement actions of active construction sites in your jurisdiction? Yes No
- J. What are the 3 most common types of violations documented during this reporting period?
Up keep/maintenance of installed BMP's.

5. Illicit Discharge Elimination

- A. Have you completed a map of all outfalls and receiving waters of your storm sewer system? Yes No
- B. Have you completed a map of all storm drain pipes of storm sewer system? Yes No
- C. How many outfalls have you identified in your system? _____
- D. How many of these outfalls have been screened for dry weather discharges? _____
- E. How many of these have been screened more than once? _____
- F. What is your frequency for screening outfalls for illicit discharges? _____
- G. Do you have an ordinance that effectively prohibits illicit discharges? (If the ordinance was adopted or updated during this reporting period, then a copy of the ordinance should be attached to this report). Yes No
- H. During this reporting period, how many illicit discharges/illegal connections have you discovered (or been reported to you)? None
- I. Of those illicit discharges/illegal connections that have been discovered or reported, how many have been eliminated? NA

6. Storm Water Management for Municipal Operations

- A. Have storm water pollution prevention plans (or an equivalent plan) been developed for:
- | | | |
|--|------------------------------|--|
| All parks, ball fields and other recreational facilities | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| All municipal turf grass/landscape management activities | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

- All municipal vehicle fueling, operation and maintenance activities Yes No
- All municipal maintenance yards Yes No
- All municipal waste handling and disposal areas Yes No
- B. Are storm water inspections conducted at these facilities? Yes No
 - If Yes, at what frequency are inspections conducted? quarterly
- C. Have standard operating procedures or BMPs been developed for all MS4 field activities? (e.g., road repairs, catch basin cleaning, landscape management, etc.) Yes No
- D. Do you have a prioritization system for storm sewer system and permanent BMP inspections? Yes No
- E. On average, how frequently are catch basins and other inline treatment systems inspected? quarterly
- F. On average, how frequently are catch basins and other inline treatment systems cleaned out/maintained? yearly
- G. Do municipal employees in all relevant positions and departments receive comprehensive training on storm water management? Yes No
- H. If yes, do you also provide regular updates and refreshers? Yes No
 - If so, how frequently and/or under what circumstances? _____

7. Post-Construction Storm Water Management in New Development and Redevelopment

- A. Do you have an ordinance or other mechanism to require:
 - Site plan reviews of all new and re-development projects? Yes No
 - Maintenance of storm water management controls? Yes No
 - Retrofitting? Yes No
- B. What is the threshold for new/redevelopment storm water plan review? (e.g., all projects, projects disturbing greater than one acre, etc.)
 - all projects
- C. Do you have either design standards or performance standards for new and re-development (at least one acre and larger) that are required to be met? Yes No
- D. Have you adopted design standards/performance measures for new/redevelopment projects? Yes No
- E. Do these design standards/performance measures require that pre-development hydrology be met for:
 - Flow volumes Yes No
 - Peak discharge rates Yes No
 - Discharge frequency Yes No
 - Flow duration Yes No
- F. Please provide the URL/reference where all post-construction stormwater management standards can be found.
 - _____
- G. How many development and redevelopment project plans were reviewed this year? 14
- H. How many were approved? 13
- I. How many permanent storm water management practices/facilities were inspected? 78
- J. How many were found to have inadequate maintenance? 10

- K. Of those, how many were notified and remedied within 90 days? (If window is different than 90 days, please specify)
5
- L. How many enforcement actions were taken? None
- M. Do you use an electronic tool (e.g., GIS, database, spreadsheet) to track post-construction BMPs, inspections and maintenance? Yes No
- N. Do all municipal departments and/or staff (as relevant) have access to this tracking system? Yes No

8. Program Resources

- A. What was your annual expenditure to implement the requirements of your MS4 UPDES permit and SWMP this past reporting period? \$115,000.00
- B. What is next year's budget for implementing the requirements of your MS4 UPDES permit and SWMP?
\$103,500.00
- C. Do you have an independent financing mechanism for your storm water program? Yes No
- D. If so, what is it/are they (e.g., storm water fees), and what is the annual revenue derived from this mechanism?
Source: service fees Amount \$\$115,343.70
Source: _____ Amount \$ _____
- E. How many FTEs does your municipality devote to the storm water program (specifically for implementing the storm water program vs. municipal employees with other primary responsibilities that dovetail with storm water issues)?
0
- F. Do you share program implementation responsibilities with any other entities? Yes No

Entity	Activity/Task/Responsibility	Your Oversight/Accountability Mechanism
Logan City	Storm water coalition/public education	Oversight rests with Logan City
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

9. Evaluating/Measuring Progress

- A. What indicators do you use to evaluate the overall effectiveness of your storm water management program, how long have you been tracking them, and at what frequency? Not that these are not measurable goals for individual BMPs or tasks, but large-scale or long-term metrics for the overall program, such as in-stream macroinvertebrate community indices, measures of effective impervious cover in the watershed, indicators of in-stream hydrologic stability, etc? (Please attach additional information if necessary)

Indicator	Began Tracking (year)	Frequency	Number of Locations
<i>Example:</i> E. coli	2003	Weekly April-September	20
_____	_____	_____	_____
_____	_____	_____	_____

- B. What environmental quality trends have you documented over the duration of your storm water program? (If you have reports or summaries, you can either attach them electronically, or provide the URL to where they may be found on the Web.) _____

CHAPTER 8

STORM WATER GENERALLY

SECTION:

- 7-8-1: Purpose
- 7-8-2: Definitions
- 7-8-3: Prohibited Activities
- 7-8-4: Prohibited Obstructions
- 7-8-5: Prohibited Discharges
- 7-8-6: Prohibited Storage and Littering
- 7-8-7: Mud, Dirt and Debris on City Streets
- 7-8-8: Damage to Storm Sewer System or Irrigation Lines
- 7-8-9: Requirements for Sumps
- 7-8-10: Manhole Covers
- 7-8-11: Drinking Water Protection
- 7-8-12: Notice of Violation
- 7-8-13: Violation and Penalty
- 7-8-14: Compliance with Federal and State Laws

7-8-1: **PURPOSE:** The purpose of this chapter is to minimize the pollutants that enter rivers and lakes through storm water runoff. Federal and state mandates require that municipalities such as Providence City adopt ordinances and policies that meet the requirements of The Environmental Protection Agency's (EPA) "National Pollutant Discharge Elimination System" (NPDES) and the "Utah Pollutant Discharge Elimination System" (UPDES). This ordinance seeks to meet that purpose through the following objectives:

- A. Minimize increases in storm water runoff from any development in order to reduce flooding, silt accumulation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels;
- B. Minimize increases in non-point source pollution caused by storm water runoff from development which would otherwise degrade local water quality;
- C. Minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable.
- D. Minimize damage to public and private property.

7-8-2: **DEFINITIONS:** The following words and phrases shall be defined as follows for the purpose of this Chapter and Chapter 7-9, and 7-10 and all documents related to Providence City stormwater.

ACRONYMS:

BMP	Best Management Practice
CEU	Civil Engineering Unit
CFR	Code of Federal Regulations
CWA	Clean Water Act
EPA	Environmental Protection Agency
FR	Federal Register
MEP	Maximum Extent Practicable
MS4	Municipal Separate Storm Sewer System
NOI	Notice of Intent
NOT	Notice of Termination
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
SWMP	Storm Water Management Plan
SWP3	Storm Water Pollution Prevention Plan
TMDL	Total Maximum Daily Load
UPDES	Utah Pollutant Discharge Elimination System

BEST MANAGEMENT PRACTICES (BMPs): A wide range of management procedures, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which have been demonstrated to effectively control the quality and/or quantity of storm water runoff and which are compatible with the planned land use. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material storage. A list of sample BMPs can be found in the Providence City Best Management Practices Manual.

CATCH BASIN: A drain inlet designed to keep out large or obstructive matter.

CITY ADMINISTRATOR: The City of Providence City Administrator or his or her designee.

CLEAN-UP: To restore to a condition equal to or better than its pre-existing condition.

CLEAN WATER ACT: The Federal Water Pollution Control Act, 33 USC Sec1251 et seq.; as amended, and the applicable regulations promulgated there under.

CONCRETE WASHOUT AREA: An area on the construction site or building parcel set aside by the contractor for the washout of concrete delivery vehicles.

**CONTRACTOR
CERTIFICATION
STATEMENT OF
UNDERSTANDING:**

This certificate shall be used as Providence City's Construction Activity Permit. This certificate may be issued, or denied as any Construction Activity Permit as set forth in this chapter. A copy of this certification shall be received by the city prior to project approval.

**CONSTRUCTION
ACTIVITY:**

Activities subject to NPDES/UPDES Construction Activity Permits. These include construction projects resulting in land disturbances of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

**CONSTRUCTION SITE
STORM WATER
RUNOFF:**

Storm water runoff from a development site following an earth change.

DEBRIS:

Any dirt, rock, sand, vegetation, rubbish or litter.

**DECHLORINATED
WATER:**

Water with all traces of chlorine removed to meet EPA standards.

DETENTION BASIN:

A depression designed to detain storm water runoff until downstream storm sewer resources are less heavily taxed. A detention basin contains an inlet and an outlet, allows debris to settle out, and regulates water flow.

DEVELOPER:

Any person proposing or implementing the development of land.

DEVELOPMENT:

Any man-made change to improved or unimproved real estate, including but not limited to site preparation, filling, grading, paving, excavation, and construction of buildings or other structures.

DISCHARGER:

Any person or entity who directly or indirectly discharges storm water from any property.

DISTURB:

To alter the physical condition, natural terrain or vegetation of land by clearing, grubbing, grading, excavating, filling, building or other construction activity.

DISTURBED AREA:

All land areas that are stripped, graded, filled, grubbed, or disturbed. This description is used to determine the total area (acres) actually disturbed.

- DRAIN INLET:** A point of entry into a sump, detention basin, or storm drain system.
- DRAINAGE WAY:** An area which surface or groundwater is carried from one part of a lot or parcel to another part of the lot or parcel or to adjacent land.
- DRY WELL:** See Sumps.
- EARTH CHANGE:** Any human activity which removes the ground cover, changes the slope or contours of the land, or exposes the soil surface to the actions of the winds or rain.
- EROSION:** The process by which the ground surface is worn away by the action of wind, water, gravity or a combination thereof.
- FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of water bodies or the unusual and rapid accumulation of surface water runoff from any source.
- GRADING:** Any stripping, excavating, filling, and stockpiling of soil or any combination thereof and the land in its excavated or filled condition.
- HAZARDOUS MATERIAL:** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial presence or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Hazardous material includes, but is not limited to, any hazardous substance designated under 40 CFR part 116 pursuant to section 311 of the Clean Water Act.
- ILLICIT CONNECTION:** Illicit connection means either of the following:
1. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system. Examples include, but are not limited to, any conveyances which allow non-storm water discharge such as sewage, process wastewater, or wash water to enter the storm drain system, and any connections to the storm drain system from indoor drains or sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or

2. Any drain or conveyance connected to or discharging to the storm drain system, which has not been (1) documented in plans, maps, or equivalent records submitted to the City, and (2) approved in writing by the City.

- ILLCIT DISCHARGE:** Any non-storm water discharge to the storm sewer system. Illicit discharges include both direct connections (e.g. wastewater piping either mistakenly or deliberately connected to the storm sewer system) and indirect connections (e.g. infiltration into the storm sewer system or spills collected by drain inlets).
- LAND DEVELOPMENT:** Any development of a parcel, lot, subdivision plat or site plan. If there is more than one lot in the subdivision plat or site plan, all lots in the subdivision plat or site plan shall jointly be considered to be part of the land development. A land project that is less than one acre that was originally part of a larger project but subsequently has been sold will not be deemed a part of a larger project for purposes of this definition.
- MUNICIPAL SEPARATE:
STORM SEWER (MS4)** A conveyance or system of conveyances (including, but not limited to roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, and storm drains) owned or operated by Providence City designed or used for collecting or conveying storm water that is not a combined sewer.
- NON-STORM WATER
RUNOFF:** Any runoff other than storm water.
- OPERATOR:** "Operator" is the party or parties that:
i. Have operational control over the construction plans and site specifications, including the ability to change those plans; and
ii. Have day-to-day operational control of those activities at the site necessary to ensure compliance with storm water pollution prevention plan and permit conditions (i.e., authority to direct workers at the site to carry out activities identified in the plan).
- PERSON:** Any individual, corporation, partnership, association, company or body politic, including any agency of the State of Utah and the United States government.

PLAN: Written narratives, specifications, drawings, sketches, written standards, operating procedures, or any combination of these which contain information pursuant to this ordinance.

POLLUTANT: Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal and agricultural waste, paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, that may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coli-form and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete resonates); and noxious or offensive matter of any kind.

PROVIDENCE CITY: Shall be know and used herein as the City.

PUBLIC IMPROVEMENT BOND: A security acceptable to the City to insure proper completion of required public improvements associated with public and private land development.

PUBLIC WORKS DIRECTOR: The Public Works Director of the City of Providence or his or her duly appointed deputy, agent, or representative.

PRETREATMENT: A structure or process that removes sediment, oils and floatables from storm water.

REDEVELOPMENT: Alterations of a property that change the footprint of a site or building.

RETENTION BASIN: A depression designed to hold storm water runoff. A retention basin contains an inlet and no outlet.

STORM DRAIN: A closed conduit for conducting collected storm water.

STORM SEWER SYSTEM: The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, detention and retention basins, curbs, gutters, ditches, man-made channels, sumps, storm drains, and ground water) owned and operated by the City, which is designed and used for collecting or conveying storm water. The storm sewer

system is also referred to as a "municipal separate storm sewer system" or "MS4."

STORM WATER: Any flow that occurs during or following any form of natural precipitation. Storm water includes only the portion of such flow that is composed of precipitation.

STORM WATER ACTIVITY PERMIT: A permit issued by the City in conjunction with the required NOI/UPDES, to a Developer or any person proposing and undertaking any land project that exceeds One (1) acre or more of disturbed land or less if part of a larger project (a land project that is less than one acre that was originally part of a larger project but subsequently has been sold will not be deemed a part of a larger project for purposes of this definition), prior to the start of any construction projects. A Construction Activity Permit will be issued by the City after review and acceptance of the applicants' submittal. The Construction Activity permit when issued shall be the Providence City "Contractor Certification Statement of Understanding" form.

STORM WATER MANAGEMENT PERMIT: A permit issued by the City in conjunction with the required NOI/UPDES and NOI, to a Developer or any person proposing and undertaking any land project that exceeds One (1) acre or more of disturbed land or less if part of a larger project, prior to the start of any construction projects. All on site Stormwater Facilities shall be owned and maintained by the developer constructing the facility. This permit runs with the land and shall be binding on the original applicants, their heirs, successors, and assigns shall be recording in court house. This permit is the requirement for maintenance during construction, as well as ongoing, long range continued maintenance after the construction activities are complete.

STORM WATER RUNOFF: Water that is generated by storm water flows over land.

SUMP: A formalized underground structure, surrounded by drain rock, that acts as a drainage basin to allow the slow release of water into the surrounding sub-soil. Sumps usually receive storm water runoff from paved areas such as streets, parking lots, building roofs, etc.

WATER BODY: A river, lake, stream, creek, or other watercourse or wetlands.

WATERSHED: A region draining into a water body.

7-8-3: PROHIBITED ACTIVITIES: The following activities are prohibited and unlawful, and shall be considered a nuisance under Chapter 4-1-1-3.14 of the City Code, regardless of whether or not the violator has a Storm Water Construction Activity Permit:

- A. **Covering Sidewalk.** Covering any portion of a curb, gutter or sidewalk with mud, dirt or debris and failing to remove the mud, dirt or debris before leaving the site. In no case shall the mud, dirt or debris be left overnight.
- B. **Washing Vehicles and Equipment.** Washing any vehicle or equipment in a manner that (1) leaves concrete, mud, dirt or debris on a public or private street or on any portion of the public right-of-way, or (2) allows concrete, mud, dirt or debris to enter the storm sewer system.

7-8-4: PROHIBITED OBSTRUCTIONS:

- A. **Illicit Discharges.** It is unlawful for any person to cause or allow an illicit discharge to the storm sewer system.
- B. **Exceptions.** The following discharges to the storm sewer system shall not be considered to be illicit discharges and shall be exempt from the prohibitions of this section:
 - 1. Discharges regulated under a valid National Pollutant Discharge Elimination System (NPDES) storm discharge permit, provided that the discharge complies with the terms of the permit.
 - 2. Discharges from water line flushing performed by the City.
 - 3. Discharges from landscape irrigation or sprinkled lawn watering.
 - 4. Discharges from non-commercial car washing so long as the mud, dirt and/or debris does not accumulate on a public or private street or gutter or obstruct or cause to obstruct the storm sewer system.
 - 5. Discharges from natural riparian habitat or wetland flows.
 - 6. Discharges from natural groundwater flows directly to a piped storm sewer system.
 - 7. Discharges from air conditioning condensation.
 - 8. Discharges from fire fighting or emergency management activities.
 - 9. Discharges of dechlorinated water from swimming pools.
 - 10. Discharges from foundation drains, footing drains, or crawl space or basement pumps if the discharges have been approved in writing by the City.
 - 11. Discharges allowed by the City of Providence Storm Sewer Connection Permit.

7-8-6: PROHIBITED STORAGE AND LITTERING: It is unlawful for any person to maintain, store, keep, deposit or leave any pollutant or hazardous material, or any item containing a pollutant or hazardous material, in a

manner that is likely to result in the discharge of the pollutant or hazardous material to the storm sewer system.

7-8-7: MUD, DIRT AND DEBRIS ON CITY STREETS:

- A. **Clean-up Required.** Any person or entity that tracks, spills, deposits, discharges or drops any mud, dirt, manure, or other debris on a public or private street or a public right-of-way within the City must remove the mud, dirt or other debris within four (4) hours of when it is left on the street or right-of-way or before the end of the work day whichever is less. The required cleanup for a construction project that takes place and is ongoing within the city right-of-way shall be completed at the end of the workday or before leaving the site. Failure to do so shall be a violation of this ordinance and shall also be considered a nuisance that may be enforced and/or abated pursuant to Title 4 of the City Code. The requirement to clean mud, dirt, manure, and other debris from streets and rights-of-way applies regardless of whether or not the responsible parties are acting pursuant to a Storm Water Construction Activity Permit. Street shall be cleaned to a previous or better condition. Streets shall not be washed unless an City approved catchment system is in place to clean the wash water before it is deposited into any City storm water system pipe, pond or basins.
- B. **Responsible Parties.** The following people and entities shall be considered to be responsible parties for the purpose of enforcing this section:
1. **Driver.** The driver of the vehicle leaving the mud, dirt, manure, or debris; and
 2. **General Contractor.** The general contractor or owner in charge of the job site from which the mud, dirt or debris came and was deposited upon the City right-of-way.
 3. **Supply contractor/owner of vehicle.**
- C. **Possible Remedies.** The City may avail itself of any of the following non-exclusive remedies to enforce this section if the mud, dirt or debris is not removed as required herein:
1. **Public Improvement Bond.** The City may clean (or may hire an independent contractor to clean) the mud, dirt or debris, and may deduct the cost of the clean-up, plus an administrative charge in an amount set by resolution of the City Council, from the Public Improvement Bond posted by the contractor on the job site from which the mud, dirt or debris came. The City may make draws against the security for performance bond as specified in 11-5-7 of the City Code.
 2. **Nuisance Abatement.** The violation may be treated as a nuisance under Title 4 of the City Code and enforced by the City's nuisance abatement officer or other City designate representative.
 3. **Criminal Prosecution.** The City may prosecute the violation as a crime pursuant to Title 1 of the City Code.
 4. **The cost of cleanup maybe charged against the person/persons responsible for the creation of the violation.**

- 7-8-8: **DAMAGE TO STORM SEWER SYSTEM OR IRRIGATION LINES:** Any person who damages any portion of the storm sewer system, a City-owned irrigation line, or a City-maintained irrigation line shall be responsible for repairing the damages. The damages shall be repaired by a licensed contractor bonded to do work in the City and shall be repaired in accordance with the City's Construction Standards and Specifications. It is unlawful to remove or alter any portion of the storm sewer system without permission from the City.
- 7-8-9: **REQUIREMENTS FOR SUMPS AND FRENCH DRAINS:** It is unlawful for any person to construct a sump in the City unless (1) the sump has been approved by the City, (2) the sump is designed to separate sediments, oil and grease, and floatables from the storm water, (3) the sump complies with applicable City of Providence Construction Standards and Specifications, or BMPs and (4) written permit is obtained from the State.
- 7-8-10: **MANHOLE COVERS:** It shall be unlawful to open any storm sewer manhole or other storm sewer fixture (such as grates, lids or inlets) without permission from the Public Works Director or an authorized representative of the City.
- 7-8-11: **DRINKING WATER PROTECTION:** All storm water and non-storm water discharges shall comply with the City's drinking water source protection ordinance (Title 8 Chapter 1A).
- 7-8-12: **NEW WATER RIGHTS:** No individual or entity may file for any new water right with the office of the state engineer for water which is to be conveyed through a Stormwater Drainage System facility controlled by this title, without first having obtained permission from the City to transmit water through a City-owned or controlled storm drainage facility.
- 7-8-13: **CONTROL BY THE CITY:** Any project which involves the drainage of Stormwater through any channel within the City or which involves the type and level maintenance to be performed on any such projects, either existing or to be completed, shall be under the control and regulated at the discretion of the City.
- 7-8-14: **EXTENT OF CITY REGULATIONS:** The City shall have the right to exercise any type and degree of regulation it deems necessary in accordance with applicable state law, when exercising the powers granted by this chapter, including, but not limited to, the use of City regulated watercourses for storm drainage and flood control purposes; provided however, that said regulation shall not injure any water right already acquired by existing shareholders at the time the City begins regulation of any given water or water course.

- 7-8-15: **RECORDING OF DOCUMENTS:** All required recording of documents shall be the responsibility of the developer or person requesting compliance with the storm water ordinances.
- 7-8-16: **NOTICE OF VIOLATION:** Whenever the City finds that a person has violated a prohibition or failed to comply with a requirement of this Chapter, the City will order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
- A. The performance of monitoring, analyses, and reporting;
 - B. The elimination of illicit connections or discharges;
 - C. That violating discharges, practices, or operations shall cease and desist;
 - D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
 - E. Payment to cover administrative, remediation, monitoring, analyses, and reporting costs; and
 - F. The implementation of source control or treatment BMPs. The City may skip the notice requirements set forth in this Section and immediately proceed with criminal and/or civil action against the violator if:
 - (1) the violator has committed the same violation in the past, or
 - (2) the violation, in the opinion of the City, creates a serious risk to persons, the environment or property, or
 - (3) the City deems the violation to constitute an emergency.
 - G. Stop work orders.
- 7-8-17: **VIOLATION AND PENALTY:**
- A. The violation of any provision of this Chapter is a Class C misdemeanor. Each day that a violation occurs shall constitute a separate offense.
 - B. If, as the result of the violation of any provision of this Chapter, the City or any other party suffers damages and is required to make repairs and/or replace any materials, the cost of repair and/or replacement shall be borne by the violating party and shall be in addition to any criminal or civil fines and/or penalties.
 - C. Violators of this Chapter may also be subject to prosecution, fines and penalties from the State of Utah and the United States EPA.
- 7-8-18: **AREA OF ONE (1) ACRE OR LESS:** Areas of one (1) acre or less shall be addressed through a UPDES NOI only if it is part of a larger project.
- 7-8-19: **COMPLIANCE WITH FEDERAL AND STATE LAW:** Nothing in this Chapter shall be interpreted to relieve any person from an obligation to comply with an applicable Federal, State or local law relating to storm water discharges or drinking water protection.

CHAPTER 9

STORM WATER MANAGEMENT

SECTION:

- 7-9-1: Storm Water Management Permit
- 7-9-2: Easements
- 7-9-3: Authority to Inspect
- 7-9-4: Requirements to Monitor and Analyze
- 7-9-5: Nuisances

7-9-1: **STORMWATER MANAGEMENT PERMIT:**

- A. Permit Required. No person, company, or entity shall construct or cause to be constructed any building, facility, structure or other improvement on any parcel of land with a total disturbed area of one (1) acre or greater in size without first obtaining a NPDES/UPDES Permit and a Storm Water Management Permit from the City.
- B. Construction and Redevelopment. Without affecting the generality of subsection A above, any person beginning any type of construction requiring a building permit shall submit with the building plan, a site plan or plat to show how storm water runoff will be controlled. City BMPs shall be used.
- C. Exempt Construction. The following improvements are exempt from the requirement to obtain a Storm Water Management Permit:
 - 1. Detached single family residence or accessory building, provided that the runoff from the residence is handled according to a plat or site plan approved by the City. However, any person desiring to use a basement pump, foundation drain, or other related fixture directly or indirectly connecting to the storm sewer system must obtain a Storm Water Management Permit.
 - 2. Connections to the storm sewer system made by the City.
- D. Application. The applicant for a Storm Water Management Permit shall submit the following to the City:
 - 1. Application Form. An applicant must submit a completed application form. If the applicant proposes to obtain the permit in conjunction with another development activity requiring City approval (e.g. building permit, subdivision plat, site plan, or conditional use permit), the application for the Storm Water Management Permit may be included as part of the application form for the other development activity. If the applicant proposes to obtain the permit independent of any other City approval, the applicant shall apply for the permit on a separate form prepared by the City. Application forms will be available at the City Office.

2. **BMP Plan. A Best Management Practices (BMP) plan.**
 - a. **Requirements.** The BMP plan shall designate specific city BMPs that the applicant will use to regulate, control and facilitate storm water discharges from the site. All BMP plans shall provide for pretreatment of storm water unless the applicant demonstrates to the satisfaction of the City that pretreatment is not necessary because of (1) lack of pollutants in the storm water from the site, or (2) insufficient quantity of storm water from the site.
 - b. **Purpose of BMPs.** The BMPs shall be designed to ensure that the quality and quantity of storm water discharged to the City's storm sewer system meets the requirements of federal, state and local laws and regulations and the City's NPDES/UPDES permit, and will not exceed the designed capacity of the storm sewer system or jeopardize the integrity of the storm sewer system.
 - c. **Acceptable BMPs.** BMPs may be structural and/or non-structural, depending on the needs of the site. The applicant may propose BMPs designed specifically for a given site that have been pre-approved by the City. The City shall establish a menu of pre-approved BMPs by administrative policy. The policy may designate specified areas of the City where certain types of BMPs may or may not be used.
 - d. **City Approval of BMP Plan.** The applicant's BMP plan must be approved by the City. The BMP plan will be reviewed as part of the Storm Water Management Permit review process described below.
3. **Maintenance Plan.** A plan outlining how the applicant will maintain the storm water improvements listed in the application. An inspection shall be completed yearly by the City or assigns and a copy submitted to the City each year by no later than June 30. This shall be submitted on the approved City Annual Maintenance *Inspection and Report form*.
4. **Fee.** A fee in an amount established in the most recently adopted prevailing fee schedule. All fees are non-refundable.
5. If the maintenance plan is submitted for a lot(s) in a development, notification of this requirement shall be shown on the final plat and development agreement and recorded on the permanent deed for the property. Any maintenance plan required for land disturbance shall be recorded with the Cache County Recorder and a copy given to the City prior to start of the project. All Stormwater Management permits shall run with the land and shall be binding on the original applicants, their heirs, successors, and assigns. In order to provide notice of the existence of a Stormwater Management Permit on a parcel of property, the City shall require a copy of the permit or a notice of the existence of the permit in the

records of the Cache County Recorder. It shall state that the property owner shall within thirty (30) days from taking possession of the property, contact the City Office to sign and file an ongoing City approved maintenance agreement for the property(s). When the new agreement has been finalized, signed, transferred and recorded with a copy submitted to the City, at that time, and only at that time will the person(s) who signed the original maintenance agreement be released from the obligation of on going maintenance and responsibility.

- E. **Review of Application.** The Storm Water Management Permit application shall be reviewed by the City Public Works Director (PWD), or his/her designee and either approved, approved with conditions, or denied.
1. **Factors.** When deciding whether to approve, conditionally approve, or deny a Storm Water Management Permit application, the PWD shall consider the following factors:
 - a. Whether the application complies with applicable City ordinances and policies.
 - b. Whether the application complies with the City of Providence Storm Drainage Master Plan.
 - c. Whether the application includes an effective BMP plan. The BMP plan shall be considered effective if (1) it complies with the City's menu of pre-approved BMPs, or (2) it ensures that the quality and quantity of storm water discharged to the City's storm sewer system meets the requirements of federal, state and local laws and regulations and the City's UPDES permit, and will not exceed the designed capacity of the storm sewer system or jeopardize the integrity of the storm sewer system.
 - d. Whether the proposed development introduces pollutants into the storm drain system.
 - e. Whether the proposed development affects the integrity of the storm sewer system infrastructure.
 - f. Whether the proposed development endangers the City's drinking water.
 - g. Whether the applicant has submitted a maintenance plan ensuring the proper maintenance and upkeep of the applicant's on-site storm water improvements.
 - h. Whether written permission to discharge to a canal has been secured from the local canal company with jurisdiction in cases where discharge will be made to a canal. (see 7-8-14)
 2. **Appeals.** Either the permit applicant or the City may appeal the PWD's decision to the City Administrator. The appeal shall be made according to procedures established by the City Administrator.
- F. **As-Built.** Any person connecting to the storm sewer system shall provide the City's storm water utility with "as-built" engineered plans showing the

details and the location of the connection. This shall be completed prior to issuance of the N.O. T. The plans shall be in a format that is acceptable to the City.

- G. Failure to Comply with Permit. Failure to construct or maintain storm water improvements in accordance with an approved Storm Water Management Permit (including the BMP plan and/or the maintenance plan) shall be a violation of this ordinance.

7-9-2: **EASEMENTS:** The PWD or his/her designee(s) may enter all private properties through which the City holds an easement for the purposes of inspecting, observing, measuring, sampling, repairing or maintaining any portion of the storm sewer facilities lying within the easement, or the performance of any other duties pertinent to the operation of the storm sewer system. All entry and subsequent work, if any, on an easement, shall be completed according to any special terms of the easement.

7-9-3: **AUTHORITY TO INSPECT:** Whenever necessary to make an inspection to enforce any provision of this Chapter, or whenever the City has cause to believe that there exists, or potentially exists, a condition which constitutes a violation of this Chapter, the City may enter the premises at all reasonable times to inspect the same and to inspect and copy records related to storm water compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

7-9-4: **REQUIREMENTS TO MONITOR AND ANALYZE:** If City tests or inspections indicate that a site is causing or contributing to storm water pollution, illegal discharges, and/or non-storm water discharges to the storm sewer system or waters of the United States, and if the violations continue after notice from the City, the City may require any person engaged in the illicit activity and/or the owner or operator of the site to provide, at their own expense, monitoring and analyses required by the City to determine compliance with this Chapter.

7-9-5: **NUISANCES:** The owner of each stormwater BMP, Whether Structural or Non-Structural BMP, shall maintain it so as not to create or result in a nuisance condition.

CHAPTER 10

STORM WATER CONSTRUCTION ACTIVITY PERMIT

SECTION:

- 7-10-1: Purpose and Intent
- 7-10-2: Storm Water Construction Activity Permit – When Required
- 7-10-3: Storm Water Construction Activity Permit – Application
- 7-10-4: Storm Water Construction Activity Permit – Proper Operation and Maintenance
- 7-10-5: Storm Water Construction Activity Permit – Inspection and Entry
- 7-10-6: Storm Water Construction Activity Permit –Revocation or Suspension
- 7-10-7: Storm Water Construction Activity Permit -Appeals
- 7-10-8: Violations and Enforcement
- 7-10-9: Compliance with federal and State Law

7-10-1: **PURPOSE AND INTENT:** The purpose of this Chapter is to prevent the discharge of sediment and other construction-related pollutants from construction sites. Sediment and debris from construction sites are a major source of pollution to waterways and water systems located within the City and surrounding areas. Each year storm water runoff carries tons of sediment from construction sites into local drainage systems, irrigation systems, canals, rivers, and lakes. Sediment from storm water runoff also clogs and obstructs storm drains, culverts, and canals and causes damage to private property, wildlife habitat and water quality.

7-10-2: **STORM WATER CONSTRUCTION ACTIVITY PERMIT – WHEN REQUIRED:**

- A. **Permit Required.** A Storm Water Construction Activity Permit is required before any person or entity may landscape, excavate, grub and clear, grade, or perform any type of construction activity that will disrupt or cause a change in the natural landscape upon any parcel of property of one (1) acre or more located in Providence City. If one (1) acre or more of land surface area is disturbed, a Notice of Intent (NOI) must be submitted to the State Division of Water Quality. A copy of the NOI shall be submitted to the City.
- B. **Exemptions.** The following activities are exempt from the permit requirements of this Chapter:
 - 1. Actions by a public utility, the City, or any other governmental entity to remove or alleviate an emergency condition, including the restoration of utility service or the reopening of a public thoroughfare to traffic;

2. Actions by any other person when the City determines, and documents in writing, that the actions are necessary to remove or alleviate an emergency condition;
3. Construction activities disturbing less than one acre of land surface area except when the construction activity is part of a larger common plan of development disturbing more than one acre;
4. Residential landscaping activities disturbing less than one acre of land surface area;
5. Residential gardening;
6. Bona fide agricultural and farming operations, provided that the agricultural and farming operations constitute the principal use of the parcel and provided that such use of the parcel does not conflict with the City's zoning ordinance;
7. Providence City capital improvement projects, provided that storm runoff control measures are included in the bid specifications and plans for the improvement project.

7-10-3: STORM WATER CONSTRUCTION ACTIVITY PERMIT - APPLICATION:
Any person or entity desiring a Storm Water Construction Activity Permit shall file a NOI with the State of Utah. This NOI shall meet the Standards of Providence City BMPs and the applicant shall sign a Providence City "CONTRACTOR CERTIFICATION STATEMENT" of understanding before the start of any project that will be covered under the UPDES and NOI. Contractor Certification Statement will be utilized as a supplement to the state required permit and NOI and it shall serve as the City's required Construction Activity Permit.

- A. Application Form. The application shall be submitted on a form approved by the City. If the applicant proposes to obtain the permit in conjunction with another development activity requiring City approval (e.g. subdivision plat, site plan, or conditional use permit), the application for the Storm Water Construction Activity Permit will be included as part of the application form for the other development activity. If the applicant proposes to obtain the permit independent of any other City approval, the applicant shall apply for the permit on a separate form prepared by the City. Application forms will be available at the City Office.
- B. Storm Water Pollution Prevention Plan. The applicant shall submit a Storm Water Pollution Prevention Plan and pre, during, and post erosion prevention and sediment control plan with the application. The Storm Water Pollution Prevention Plan (the Plan) shall contain the following information:
 1. Site Description. A site description (including a map with spot elevations and contour lines) which includes a description of the nature and location of the construction activity, a description of the intended sequence of major activities which will disturb soils for major portions of the site (e.g. grubbing, excavation, grading, utilities, and infrastructure installation, etc.) and estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities;

2. **Control Description.** A description of the proposed control measures that will be implemented during construction activity and/or while the site is not stable. The Plan must clearly describe the times during the construction process that the measures will be implemented for each major activity identified pursuant to subsection(1). The Plan shall also state the name, address and phone number of the person or entity responsible for implementation of each control measure.
3. **Control Measures.** Control measures meeting the following goals and criteria:
 - a. **Prevent or Minimize Discharge.** The proposed control measures shall be designed to prevent or minimize, to the maximum extent practicable, the discharge of sediment, debris and other construction-related pollutants from the construction site by storm water runoff into the storm drainage system.
 - b. **Prevent or Minimize Construction Debris.** The proposed control measures shall be designed to prevent or minimize, to the maximum extent practicable, the deposit, discharge, tracking by construction vehicles, or dropping of mud, sediment, debris or other potential pollutants onto public streets and rights-of-way.
 - c. **Use of BMPs.** The proposed control measures shall include Providence City's Best Management Practices (BMPs) available at the time that the Plan is submitted.
 - d. **Stabilize Site.** The proposed control measures shall be designed to preserve existing vegetation, where possible. Disturbed portions of the site shall be stabilized. Stabilization practices may include temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation and other appropriate measures. Use of impervious surfaces for stabilization should be avoided. Stabilization measures shall be initiated as soon as practicable in disturbed portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site that has temporarily or permanently ceased, except under the following circumstances:
 1. If the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceases is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable as determined by the City; or
 2. If construction activity on a portion of the site is temporarily ceased, and earth disturbing will resume within 21 days, temporary stabilization measures need not be initiated on that portion of the site.
 - e. **Minimize Risk of Discharge of Other Materials.** The proposed control measures shall be employed to minimize the risk of

discharge of construction-related pollutants (such as paint, thinners, solvents and other chemicals) from the construction site. Such measures may include implementation of storage practices to minimize exposure of the material to storm water as well as soil prevention and response.

- C. **Timing for Filing Application.** The applicant shall file the application on or before the following dates:
1. **Subdivision.** The date that the applicant submits the preliminary subdivision plat application if the applicant proposed to develop a subdivision.
 2. **Site Plan.** The date that the applicant submits a site plan application if the applicant proposes to develop a site plan or amended site plan.
 3. **Conditional Use Permit.** The date that the applicant submits a conditional use permit application if the applicant proposes to develop a conditional use.
 4. **Building Permit.** The date that the applicant submits a building permit application if the applicant proposes to construct a building on an existing lot or parcel.
 5. **Other.** At least two (2) weeks before the developer intends to perform any type of work not listed above that would require a Storm Water Construction Activity Permit pursuant to this Chapter.

If an applicant's development comes under more than one of the categories listed above, then the applicant shall submit the Storm Water Construction Activity Permit Application on the earliest of the listed dates. Failure to comply with the application dates set forth above is not a criminal offense, but may delay the applicant's project. Failure to acquire the required Storm Water Construction Activity Permit is grounds for denying a related subdivision application, site plan application, conditional use permit application, or building permit application. It is unlawful to commence work (move dirt) on a development site before obtaining a required Storm Water Construction Activity Permit.

- D. **Fee.** The applicant for a Storm Water Construction Activity Permit shall pay a fee in an amount established in the most recently adopted Prevailing Fee Schedule of the City. All fees are non-refundable.
- E. **Application Approval.** The City Public Works Director (PWD) or designee shall approve the application and grant the permit if the application is complete and the Storm Water Pollution Prevention Plan meets the requirements of this ordinance. The PWD shall deny the application or approve the application with conditions if he or she determines that the measures proposed in the Plan fail to meet the criteria set forth in section 7-4-3:B. Conditions the PWD may impose in connection with the approval of a permit include, but are not limited to, the establishment of specific measures and controls to prevent erosion and the discharge of sediment, debris and other construction-related pollutants from the site by storm water.

- F. Term. Unless otherwise revoked or suspended, a Storm Water Construction Activity Permit shall be in effect for the full period of the construction activity. The construction activity will not be considered to be completed until the following events occur:
1. Subdivisions. For permits associated with a subdivision plat approval:
 - a. The permittee must complete all required subdivision improvements; and
 - b. Individual Storm Water Construction Activity Permits have been issued for each lot in the subdivision not having a final occupancy permit, or the property has been re-vegetated or landscaped in a manner that eliminates erosion and sediment discharge or that brings the property back to its natural state.
 2. Site Plans. For permits associated with a site plan approval, the date that the permittee has completed all required landscaping and all outside construction work associated with the site plan.
 3. Building Permits. For permits associated with a building permit application, the date that the City issues a final occupancy permit for the structure covered by the building permit.
 4. Other. For permits issued that are not tied to other approvals from the City, the date that the permittee has completed all work associated with the permit and takes steps required by the permit to prevent further erosion and runoff from the site.

No Storm Water Construction Activity Permit shall be considered terminated until the permittee submits a Notice of Termination of Construction Activity Permit ("Notice") to the City PWD and the Notice is accepted by the City PWD. The City PWD, after inspection, shall accept the Notice if the permittee has met the requirements of the permit and this ordinance. The permittee shall keep and maintain all permit-required improvements on the site until the City accepts the Notice.

- G. The City shall retain an associate portion of the performance bond until the N.O.T. is approved and accepted by the City and the State.
- H. Amendments. In the event that the proposed construction activity for a site to which a permit pertains is materially altered from that described in an original plan in a way that may have a significant impact upon the effectiveness of the measures and controls described in the original plan, the permittee shall file an amended Storm Water Pollution Prevention Plan which meets the criteria set forth in section 7-10-3:B.

7-10-4: **STORM WATER CONSTRUCTION ACTIVITY PERMIT – PROPER OPERATION AND MAINTENANCE:** The recipient of a Storm Water Construction Activity Permit (the permittee) shall install the erosion and sediment control measures required by the approved Storm Water Pollution Prevention Plan before commencing any construction activity on the site to which the Plan applies or at such times indicated in the Plan.

The erosion and sediment control measures shall be properly installed and maintained in accordance with the permit, the manufacturers' specifications, and good engineering practices. The permittee shall maintain such measures on the site until the City accepts the termination of the permit pursuant to Section 7-10-3:F.

7-10-5: **STORM WATER CONSTRUCTION ACTIVITY PERMIT – INSPECTION AND ENTRY:** The permittee shall allow any authorized employees and representatives of the City, representatives of the State of Utah Division of Water Quality, and representatives of the EPA, to enter the site to which a permit applies at any time and to inspect the erosion and sediment control measures maintained by the permittee. The permittee shall also allow inspection of any records pertaining to the conditions of the permit.

7-10-6: **STORM WATER CONSTRUCTION ACTIVITY PERMIT – REVOCATION OR SUSPENSION:**

- A. Revocation or Suspension. A Storm Water Construction Activity Permit may be revoked or suspended by a Director upon the occurrence of any one of the following events:
1. Failure of a permittee to comply with the plan or any condition of the permit; or
 2. Failure of a permittee to comply with any provision of this chapter or any other applicable law, ordinance, rule or regulation related to storm water; or
 3. A determination by the Director that the erosion and sediment control measures implemented by a permittee pursuant to the plan are inadequate to prevent or minimize, to the maximum extent practicable, the discharge of sediment, debris or other pollutants from the construction site by storm water.
- B. Notice. *The City shall mail the permittee written notice of noncompliance before revoking or suspending a permit. The notice shall state the location and nature of the noncompliance and shall also specify what action is required for the permittee to avoid revocation or suspension of the permit. The notice shall allow the permittee a reasonable period of time to take the necessary corrective action to avoid revocation or suspension of the permit which time, in the absence of exceptional circumstances, shall not be less than ten (10) nor more than thirty (30) days. The notice shall be mailed to the address listed for the permittee in the application. If the permittee fails to correct the problems identified in the notice during the time specified in the notice, the PWD may suspend or revoke the permit by mailing or delivering written notice of the suspension or revocation to the permittee. The permittee may appeal a suspension or revocation of the permit pursuant to the appeal procedure set forth in Section 7-10-7. The permittee shall notify the City within ten (10) days of any address change.*
- C. Exceptional Circumstances. For purposes of this Section, exceptional circumstances include, but are not limited to, situations which involve a risk of

injury to persons, damage to storm drain facilities, or damage to other property or the environment. The City may take any steps the City deems necessary to alleviate any such exceptional circumstances as defined above, and may bill the owner, developer, or contractor responsible for creating the exceptional circumstances for the cost of alleviating said circumstances.

- D. **Stop Work Order.** A stop work order may be issued upon the revocation or suspension of a permit, upon discovery of work in violation of or not in accordance with a permit, or upon the discovery of work being conducted without a required permit. The stop work order may be issued by designated inspectors of the City. No construction activity may be commenced or continued on any site for which a permit has been revoked or suspended until the permit has been reinstated or reissued.
- E. **Reinstatement.** A Storm Water Construction Activity Permit may be reinstated or reissued upon compliance with all provisions of this chapter and all permit conditions, or in the case of a suspension for reasons provided in subsection 7-4-6, upon the filing of an amended Storm Water Pollution Prevention Plan which is designed to correct the deficiencies of the original Plan.

7-10-7: STORM WATER CONSTRUCTION ACTIVITY PERMIT - APPEALS:

- A. **Notice of Appeal.** An Applicant for a Storm Water Construction Activity Permit or a permittee of a Storm Water Construction Activity Permit may appeal any decisions or directive made by the City or its representatives pursuant to this Chapter. The party desiring to appeal shall file a notice of appeal at the City Administrator's Office within 10 days of the decision or directive being appealed. The notice of appeal shall contain the following information:
 - 1. The appellant's name, address and daytime telephone number;
 - 2. A short statement describing the basis for the appeal; and
 - 3. The relief sought by the appellant.
- B. **Hearing.** Upon receipt of the notice of appeal, the City Administrator shall set a date for an informal hearing to consider the appeal. The informal hearing shall be conducted in accordance with policies established by the City Administrator. The City Administrator shall uphold the decision or directive being appealed unless the City Administrator finds that there has been an error in the interpretation or implementation of this ordinance. The City Administrator shall render a decision on the appeal within 10 days of the informal hearing with the appellant. The City Administrator shall have authority to affirm, reverse or modify any decision or directive appealed pursuant to this Section.

7-10-8: VIOLATIONS AND ENFORCEMENT:

- A. The violation of any of the provisions of this Chapter shall be a Class C misdemeanor. Each day that a violation occurs shall constitute a separate offense.

- B. Violators of this Chapter are also subject to any penalties that may be imposed by the State of Utah, under the authority of the Utah Water Quality Act, Title 19, Chapter 5 of the Utah Code.
- C. In addition to any criminal fines and/or penalties which may be assessed for a violation of this Chapter, the City shall have the right to issue a stop work order or to install and/or maintain appropriate erosion and sediment control measures on any site which is required to have such measures in the event that construction activity is commenced or continued without such measures having been installed as required by this Chapter. The City shall have the right to have such measures installed or maintained by City personnel or to hire a private contractor to perform such work and the contractor and/or the property owner shall be liable for any and all expenses related to performing such work plus a 25% penalty charge. The City may assess said charges against the bond posted by the contractor and/or property owner.
- D. Violators of this Chapter may also be subject to prosecution, fines and penalties from the State of Utah and the United States EPA.

7-10-9: **COMPLIANCE WITH FEDERAL AND STATE LAW:** Nothing contained in this Chapter is intended to relieve any person or entity from any obligation to comply with applicable federal and state laws and regulations pertaining to clean water and/or storm water runoff.